

SENATORS WARNER AND
KENNEDY

Mr. McCONNELL. Mr. President, we did, indeed, with the announcement by Senator WARNER of his retirement at the end of this term, begin to confront the reality of the Senate without JOHN WARNER. I will have a good deal more to say about his career in the coming months. Of course, we will have ample opportunity to celebrate his remarkable service in the Senate because, fortunately, he will be here until January of 2009, continuing to perform his extraordinary service on behalf of our Nation.

He indicated to me Friday when we were talking that he had added up the total amount of his time in public service, and it was something like 45 years—truly a remarkable patriot.

Of course, later this afternoon Senator KENNEDY will cast his 15,000th vote—another giant in this body who should be recognized for his extraordinary accomplishments. He came to the Senate at age 30. He has been here quite a while and made an enormous contribution to our country. We congratulate him on achieving this milestone.

RETURN FROM THE AUGUST
RECESS

Mr. McCONNELL. Mr. President, as we resume our business here in the Senate, we do so in the hope that we have learned some lessons over the last 8 months. The chief lesson we should have learned, in my view, is that the culture of the endless campaign may win headlines, but it doesn't win much beyond that.

None of us is so naive as to think that the life of an elected politician doesn't involve politics—obviously it does. But we also know that making laws often demands leaving the politics aside. The bitter debates over the war in Iraq and a thin list of significant legislative achievements so far in the 110th Congress are all the proof of that we need.

That's the lesson of the last 8 months—that if we expect to accomplish anything here we need to lower the political temperature. And it is urgent as we return here today that we do just that.

Cooperation is as important on routine business as it is on contentious things. We are now just 4 weeks away from the beginning of the new fiscal year, and we have not sent a single one of the twelve annual appropriations bills to the President's desk. This almost certainly means we will soon be looking at an appropriations train wreck here in the next few weeks, followed by a continuing resolution to keep the Government running.

This isn't the way it's supposed to be. Indeed, it was not all that long ago that Democrats themselves were denouncing Republicans for doing this very thing.

Faced with the same situation last year, the current assistant majority leader railed against the notion of a continuing resolution, accusing Republicans, as he put it, "of failing to do the most fundamental job Congress is expected to do." I think the assistant majority leader had that right. He said that calling the 109th Congress a do-nothing Congress would be an insult to the original do-nothing Congress of 1948. And he vowed to finish the unfinished business of the last Congress.

Yet now, as Democrats enter the ninth month poised to make the very same mistake we did, we have not heard a note of self-criticism from the other side. This kind of selective criticism might work on the campaign trail. But it's a clear recipe for frustration and defeat in the Senate. We need to get these bills passed and over to the President's desk for a signature. And relentless partisanship is not going to do that.

The most heated politics have been reserved, of course, for the war. So if we are going to correct course, we will need to start there. The Congress voted in May to have General Petraeus report back this month on progress in Iraq, and the Congress should listen to what he says, without prejudice, when he gets here.

This is not a baseless hope. We have seen some of the sharpest early critics of the general's new military strategy defending it in recent weeks after seeing for themselves the impact it has had in former al-Qaida strongholds like Anbar Province.

Republicans welcome this kind of honest reassessment. As more Democrats have the courage to acknowledge the good news as well as the bad news in Iraq, we all have reason to hope for the kind of cooperative legislative strategy that has been lacking until now.

The political path the majority has often chosen over the last 8 months has reduced us at times to theatrics on the war. It has left us scrambling on appropriations. And it threatens to prevent us from addressing a number of other vital issues that the American people don't want us to put off. We need to act, cooperatively, before it is too late to address these issues within the limited time we have.

Time is short, and the list is long. We need to act on a farm bill by the end of the month. We need to act on vital free trade agreements and on the debt limit ceiling, which we will reach sometime in early October. We need to extend the FISA legislation.

More than 40 tax provisions expire at the end of this year. We need to extend them before it is too late, and we can only do it if we resist calls to pay for them with equally unpopular offsets.

The other side tends to look at the budget in terms of Newtonian physics: They think every cut calls for an equal and opposite hike. Yet we have seen that this is not the case, with money now flooding into the Treasury at

record rates since the 2001 and 2003 cuts. We should acknowledge the facts and continue this prosperity without imposing new pain on taxpayers who responded to this relief by growing this economy.

The current alternative minimum tax relief is current no more—it expired at the end of last year. In the last three Congresses, we extended this relief before the Fourth of July recess so taxpayers knew with certainty the relief would be there. Yet here we stand, after the August recess, with no sign of any effort to extend it again—no bill reported by committee, not even a markup scheduled.

Unless this relief is extended, 20 million new taxpayers will face this punishing tax when they file their returns next year. They need to know if Democrats are going to make good on their promise to let all the provisions of the 2001 and 2003 tax bills expire. We are willing to work together on this issue, but again, cooperation will mean resisting calls for draconian tax increases to provide relief from a tax which was never intended to affect so many families.

The Senate will soon be asked to confirm a new Attorney General. Some Members of this body will be tempted to turn the confirmation process into another occasion for seeking political advantage. Democrats have rightly noted that the Justice Department's work is too important to languish without leadership at the top.

And they have promised that if the President's nominee puts the rule of law first, they will avoid confrontation. They will prove they mean it by not looking to secure commitments from the nominee as a condition of his or her confirmation, other than that he or she will faithfully enforce the law.

Attempts to exact political promises and precommitments would be inconsistent with the goal of restoring the Justice Department to full strength as quickly as possible.

Nor should the confirmation of a new Attorney General be used as an excuse to slow down circuit court nominations, starting with Judge Leslie Southwick.

The average number of circuit court confirmations during the final 2 years of similarly situated presidencies is 17. We have fallen off pace to approximate that standard.

At this point, the Senate has only confirmed three circuit court nominees—three. The Senate can begin to make much needed progress in this area by confirming Judge Southwick. The Judiciary Committee voted to send his nomination to the Senate before we broke for recess and he deserves a vote and he deserves it soon.

In my view, the Democratic majority has wasted too much time in the first months of this session playing politics instead of legislating. The working days we have left in this session are too few to be squandered. We need to put aside the political path and come

together to get some work done. The clock is ticking. It is getting late. But it is not too late. There is no better time to shift course than now.

The political path has been perhaps most in evidence on many of the Iraq votes we have had. More of the same will only delay the cooperative work we need to create a policy aimed at protecting America's vital long- and short-term security interests in the Persian Gulf and Iraq.

A good first step away from the political path would be to get the Defense appropriations bill to the floor of the Senate in the next week or two and get funding to our forces in the field. Appropriations should be an urgent priority for us, as Democrats insisted when they were in the minority. Republicans are ready to start fresh, to begin again, in order to get many important and necessary things accomplished in the coming days and weeks. We will call on our friends on the other side to do the same.

The ACTING PRESIDENT pro tempore. The senior Senator from Montana.

TRIBUTE TO SENATOR WARNER

Mr. BAUCUS. Mr. President, last Friday the senior Senator from Virginia announced that he would not seek reelection to the Senate. I speak today, therefore, in tribute to Senator JOHN WARNER.

I have known JOHN WARNER for nearly 30 years. In 1978, the people of Montana and Virginia sent us both to the Senate for the first time. I thank the people of Montana and Virginia for giving me the opportunity to serve with JOHN WARNER. The election of 1978 brought 20 new Senators to the Senate. From that class, many Senators moved on to other pursuits: Bill Armstrong, David Boren, Rudy Boschwitz, Bill Bradley, Bill Cohen, David Durenberger, Gordon Humphrey, Roger Jensen, Nancy Landon Kassebaum, Larry Pressler, David Pryor, Alan Simpson, Donald Stewart.

From that class, three have gone to their final rest. We all recall the memory of colleagues now departed: Jim Exon, Howell Heflin, Paul Tsongas. May their memories serve as a blessing.

From that class, four remain in the Senate: THAD COCHRAN, CARL LEVIN, this Senator, and JOHN WARNER.

As a young man, JOHN WARNER fought forest fires in Montana. Very often when I am talking to JOHN, he recalls those times in Montana. His eyes brighten up. He very much reminisces about how much he enjoyed spending time in the State. Whether it was fighting fires or whether it was around Bozeman, MT, it comes to him very clearly when he talks about Montana in his early years.

At the age of 17, JOHN WARNER joined the Navy to fight in World War II, part of the "greatest generation." JOHN WARNER is one of five World War II vets

left in the Senate. He shares that distinction with DANNY AKAKA, DANNY INOUE, FRANK LAUTENBERG, and TED STEVENS.

JOHN WARNER went to college on the GI bill. Then he entered the University of Virginia law school. But when the Korean war broke out, JOHN WARNER, with his intense sense of patriotism, interrupted law school to fight for his country again. This time he served as an officer in the Marine Corps.

After returning from Korea, JOHN WARNER finished law school, clerked on the court of appeals, worked as an assistant U.S. attorney and worked as a lawyer in private practice. He returned to public service in 1969 as Under Secretary of the Navy. Then, in 1972, he succeeded our former colleague, John Chafee, as Secretary of the Navy. He represented the Defense Department at the Law of the Sea talks in Geneva.

In the Senate, JOHN WARNER has served as chairman of the Rules Committee. He has served as chairman and ranking member of the Armed Services Committee. He has come to be known as one of the Congress's most influential voices on matters of national defense.

But I have come to know JOHN WARNER on the Environment and Public Works Committee. JOHN WARNER and I have worked together on that committee for more than 20 years. I joined the committee in 1981 and JOHN joined in 1987. There, for most of that time, both of us have worked together as chairman and ranking minority member of one subcommittee or another.

We worked together on transportation bills. Those are the bills with such colorful names as ISTEA, TEA-21, SAFET-LU. For a while, we were chairman and ranking minority member of the Transportation and Infrastructure Subcommittee. We worked on at least four renewals of the Water Resources Development Act.

I remember fondly working closely with JOHN on the transportation legislation in 1997 and 1998, TEA-21. We worked with our late colleague, John Chafee. The three of us were a wonderful team. You will not believe the chemistry with which the three of us worked together. We decided early on we would stick together as a team: JOHN WARNER, basically the Southern donor States; John Chafee, basically the New England States; and I, representing in some sense the Western donee States. We represented the three major components who put together the Transportation bill.

We stuck together. We worked together. I mean we worked together. There is a lot of talk about we needing less partisanship around here. I have to tell you, JOHN WARNER, John Chafee and I, we sat down and worked things out. We had a terrific staff working for us, JOHN, myself, and John Chafee. We were all together in John Chafee's office, sometimes in JOHN WARNER's office, deciding what was best on how to get a highway bill together.

It was a wonderful opportunity working in that office, working together. There were countless long days, many very long nights. You learn a lot about a person when things get tough, when the rubber meets the road. But I have to tell you, in our case, when anything was a little bit difficult, we did not ever get personal, did not get upset, did not ever attribute ulterior motives to anybody; we decided we were going to figure out how to get it done.

As I said earlier, there was a certain chemistry that came together with all six of us working together, my staff, his staff, their staffs, and the six of us all together. It was wonderful.

I think I learned a lot from watching JOHN WARNER and John Chafee, too, for that matter. They were two of the same. They both served as marines, and they both were Secretaries of the Navy. But JOHN WARNER was a person who listens. He sat there and listened; I had a point; John Chafee had a point. In other negotiations I have been in where JOHN WARNER has been there, JOHN WARNER is going to listen. JOHN WARNER will listen and say: "Okay, that is interesting. Let's see how we can make that work." I might say also he is a very skilled statesman in that he cut to the core of matters pretty quickly.

Not a lot of fuss or muss, never got wrapped around the axle in details, when things kind of got off tangent in the wrong direction, but got to the core of the matter. He came to the core of the matter. He would sum it all up in a very wonderful, sort of statesman-like, solid way, as only JOHN can. We all sat there saying, "Yes, that is about it. That is right." That is kind of what JOHN said. "That is probably right. We will go on from there." I learned a lot from JOHN WARNER. I hope I can use that in later years.

Both leaders spoke about how JOHN WARNER is not partisan, and it is true. I hope, frankly, that as we finish this year and next year, a lot of us remember the tone and the style with which JOHN WARNER conducts himself.

It is also very important to mention JOHN WARNER spoke up courageously in the State of Virginia; he did not support his party's nominee for the Senate. That was a gutsy thing to do, but he did it in a very civil way, not in a negative way, not in a partisan way. He spoke his mind about what was right. It was very courageous and also the tone made his message and his belief that much more important because people saw he was not personal, people saw he meant it, people saw he was courageous and he was doing what he thought was the right thing to do.

The same is true with respect to Senator WARNER's decision about the war in Iraq. It is not the party line, JOHN's statements. He is saying what he thinks is right. He is saying what he thinks is the right thing to do. It is not partisan. It is courageous and said in a very civil tone.

That is why people have called him a consensus builder. It is why people